

IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
MINNESOTA

IN RE: BAIR HUGGER FORCED AIR MDL No. 15-md-2666(JNE/FLN)
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

This document relates to:

LINDA BENSON,

Plaintiff,

Civil Action No. 0:17-cv-3304-JNE-FLN

**DECLARATION OF SETH S. WEBB IN SUPPORT OF
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Seth S. Webb, declare as follows:

1. I am an attorney at Brown and Crouppen Law Firm and Counsel for Plaintiff
Linda Benson in the above-captioned matter.

2. I submit this affidavit in opposition to Defendant's Motion to Dismiss for
Failure to Comply with Pretrial Order No. 23 [Dkt. 1740] filed on February 7, 2019.

3. Ms. Benson contacted Brown and Crouppen Law Firm in April of 2016
regarding injuries that were allegedly caused by the Bair Hugger patient warming device.

4. Medical records and billing records pertaining to Ms. Benson's treatment were

obtained by Brown and Crouppen. Those records indicated that a Bair Hugger device was used during her initial orthopedic surgery.

5. This case was filed on July 25, 2017 to comply with the statute of limitations deadline.

6. Plaintiff's sister, Rebecca Neff, informed Counsel on January 4, 2019 that Linda Benson had passed away on March 18, 2018. Counsel filed the Suggestion of Death on January 23, 2019.

7. Ms. Neff was appointed Personal Representative of the Estate of Linda Benson on April 18, 2018 for the purpose of prosecuting this action.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

RESPECTFULLY SUBMITTED,

BROWN & CROUPPEN, P.C.

Dated: February 14, 2019

/s/Seth S. Webb
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